

REMARKS

Claims 6-10 and 17-19 are pending in this Application. By this amendment, claims 6, 7 and 18 are amended, and claim 19 is added. No new matter is involved.

Examiner Interview

Applicants thank Examiner Severson for discussing this case with Applicants' representative on May 20, 2010. During the discussion, the Examiner indicated a proposed claim 6 would probably patentable define over the applied art, but a further updated search and detailed review would be required. Accordingly, claim 6 has been amended as discussed during the interview. New claim 19 is a dependent claim presenting shape features from claim 18, and depends from amended claim 6.

Rejections under 35 USC §103

Claims 6, 10 and 18 stand rejected under 35 USC §103(a) as being unpatentable over Design Patent 368,965 to Nakata et al. ("Nakata") in view of JP 06-339514 to Sasaki. Claims 7 and 8 stand rejected under 35 USC §103(a) as being unpatentable over Nakata in view of Sasaki and further in view of U.S. Patent 2,532,116 to Monaco. Claim 9 stands rejected under 35 USC §103(a) as being unpatentable over Nakata in view of Sasaki and further in view of U.S. Patent 1,117,093 to Ripley. These rejections are respectfully traversed.

With respect to claim 18, which has not been amended substantively, Applicants respectfully submit that claim 18 patentably defines over Nakata in view of Sasaki because these references, taken alone or in combination, fail to disclose, suggest, or otherwise render obvious

the claimed combination of features, including wherein the hardness of the first surface of the plate shaped first tooth-hardening member differs from the hardness of the second surface of the first tooth-hardening member and/or the hardness of the first surface of the plate shaped second tooth-hardening member differs from the hardness of the second surface of the second tooth-hardening member.

As discussed at the aforementioned interview, the portion of Sasaki that is relied upon to teach a hard center dome portion is clearly not designed to be chewed by an infant nor is it capable of being chewed by an infant because of its size shape, rigidity and location which effectively preclude an infant from chewing on it, let alone even getting its teeth around it. Such a structure teaches away from modifying a chewable toy as suggested.

Accordingly Applicants respectfully request that this rejection be withdrawn.

With respect to dependent claims 7-9, the additional rejections of those claims have also been overcome as the claims rejected therein are dependent claims and the additionally applied art also does not teach or suggest the feature recited in the independent claim 6.

New Claim

Claim 19 depends from claim 6 and patentably defines over the applied art at least because of that reason.

Consideration and allowance of claim 19 are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46, 472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

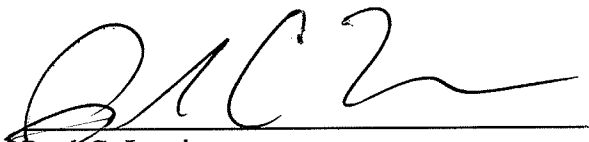
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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